



## Legislation Details (With Text)

<b>File #:</b>	17-0362	<b>Version:</b>	1
<b>Type:</b>	Agenda Item	<b>Status:</b>	Approved
<b>File created:</b>	3/24/2017	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	4/25/2017	<b>Final action:</b>	4/25/2017
<b>Title:</b>	<p>Community Development Agency, Transportation Division, recommending the Board consider the following for acquiring right of way for the Diamond Springs Parkway Phase1A - SR-49 Realignment Project, CIP 72375:</p> <p>1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and Certificates of Acceptance accepting a Grant Deed, Grants of Public Utility Easement, and a Grant of Slope and Drainage Easement, from Laurence E. Abel and Jacqueline Abel, Trustees of the Laurence E. and Jacqueline Abel Family Trust dated October 8, 2009, as to APN 051-250-61 (formerly 051-250-46), and Laurence E. Abel and Jacqueline Abel, Trustees or their successor in trust, under the 2009 Abel Disclaimer Trust dated October 8, 2009, and any amendments thereto, as to APN 051-250-65 (formerly 051-250-12), with an estimated total cost of \$65,500;</p> <p>2) Authorize the Community Development Agency Director, or designee, to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including payment of title and escrow fees; and</p> <p>3) Authorize the Community Development Agency Director, or designee, to extend, if necessary, the date of closure of escrow upon mutual agreement of both parties.</p> <p>FUNDING: Tribe Funds (67% - Local), Utility Agencies (15% - Local), State Highway Operations and Protection Program (7% - State), Traffic Impact Mitigation Fees (5% - Local), Master Circulation &amp; Funding Plan Financing (5% - Local), and Road Fund (&lt;1% - Local).</p>		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A - Approved CRS 4-25-17, 2. B - Acquisition Agreement 4-25-17, 3. C - Grant Deed APN 051-250-61 with COA 4-25-17, 4. D - Grant of PUE APN 051-250-61 with COA 4-25-17, 5. E - Grant of SDE APN 051-250-65 with COA 4-25-17, 6. F - Grant of PUE APN 051-250-65 with COA 4-25-17, 7. G - Vicinity Map 4-25-17, 8. Executed Acquisition Agreement 4-25-17, 9. Recorded Grant Deed 051-250-61, 10. Recorded Grant of PUE 051-250-61, 11. Recorded PUE 051-250-65, 12. Recorded SDE 051-250-65

Date	Ver.	Action By	Action	Result
4/25/2017	1	Board of Supervisors	Approved	Pass

Community Development Agency, Transportation Division, recommending the Board consider the following for acquiring right of way for the Diamond Springs Parkway Phase1A - SR-49 Realignment Project, CIP 72375:

- 1) Approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes and Certificates of Acceptance accepting a Grant Deed, Grants of Public Utility Easement, and a Grant of Slope and Drainage Easement, from Laurence E. Abel and Jacqueline Abel, Trustees of the Laurence E. and Jacqueline Abel Family Trust dated October 8, 2009, as to APN 051-250-61 (formerly 051-250-46), and Laurence E. Abel and Jacqueline Abel, Trustees or their successor in trust, under the 2009 Abel Disclaimer Trust dated October 8, 2009, and any amendments thereto, as to APN 051-250-65 (formerly 051-250-12), with an estimated total cost of \$65,500;
- 2) Authorize the Community Development Agency Director, or designee, to execute the escrow

instructions and any other related escrow documents pertaining to the transaction, including payment of title and escrow fees; and

3) Authorize the Community Development Agency Director, or designee, to extend, if necessary, the date of closure of escrow upon mutual agreement of both parties.

**FUNDING:** Tribe Funds (67% - Local), Utility Agencies (15% - Local), State Highway Operations and Protection Program (7% - State), Traffic Impact Mitigation Fees (5% - Local), Master Circulation & Funding Plan Financing (5% - Local), and Road Fund (<1% - Local).

#### **DEPARTMENT RECOMMENDATION**

Community Development Agency, Transportation Division (Transportation), recommends the Board approve and authorize the Chair to sign the Acquisition Agreement for Public Purposes (Acquisition Agreement) and Certificates of Acceptance accepting a Grant Deed, Grants of Public Utility Easement, and a Grant of Slope and Drainage Easement, from Laurence and Jacqueline Abel, as Trustees of the Abel Family Trust and Abel Disclaimer Trust (Abels), for acquiring right of way for the Diamond Springs Parkway Phase1A - State Route 49 (SR-49) Realignment Project, Capital Improvement Program (CIP) 72375 (Project).

The Fee and Easement acquisitions are necessary for construction of the Project, at a cost of \$63,000. With title and escrow fees estimated to be \$2,500, the overall estimated cost is \$65,500.

#### **DISCUSSION/BACKGROUND**

Transportation is currently in the Right of Way phase of the Project. Originally referred to as the "Missouri Flat/Pleasant Valley Connector," this Project will provide improved traffic circulation and safety through and around the historic town of Diamond Springs. Phase 1A is the first of two phases necessary to complete the entire Project which includes realigning, widening, and improvements to SR-49 from the new parkway intersection south to Pleasant Valley Road, and signalization of multiple intersections. While the full benefit of the Project will not be realized until completion of both phases, Phase1A of this Project will add benefit to the County's traffic circulation and independent utility.

On March 7, 2017 (Item 18), the Board accepted Irrevocable Offers of Dedication for these parcels. Upon engineering review/project modification, the County needs to procure further acquisitions from the Abels. These acquisitions will finalize the Right of Way acquisition phase for this Project.

The Board previously authorized Transportation staff to negotiate with the Abels to acquire the necessary land rights for the Project in Closed Session on November 15, 2016 (Item 42). The subject Acquisition Agreement falls within that negotiating authority.

The Project is subject to the California Environmental Quality Act. The Environmental Impact Report was approved by the Board on May 24, 2011 (Item 39). Construction is anticipated to begin in Fiscal Year 2016/17.

#### **ALTERNATIVES**

If the Acquisition Agreement is not approved, the County will not be able to acquire this additional right of way for the proposed Project, and the Project will not proceed as planned. State Highway Operation and Protection Program funds, totalling approximately \$1,000,000, will expire if the proposed Project is further delayed.

#### **OTHER DEPARTMENT/AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the proposed Acquisition Agreement.

## **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

The cost of the Fee and Easements is \$63,000. The cost for the title and escrow fees is estimated at \$2,500, for an estimated total cost of \$65,500. Funding for the Right of Way acquisition process is budgeted in the adopted 2016 CIP and will be provided by Tribe Funds, Utility Agencies, State Highway Operations and Protection Program, Traffic Impact Mitigation Fees, Master Circulation & Funding Plan Financing, and Road Fund.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on the one (1) original of the Acquisition Agreement and the Certificates of Acceptance for the Grant Deed, the Grants of Public Utilities Easement, and the Grant of Slope and Drainage Easement.
- 2) The Clerk of the Board will return the one (1) fully executed original Acquisition Agreement to Transportation, attention of Andrew Gaber, for final processing.
- 3) The Clerk of the Board will return the one (1) fully executed original of each signed Certificate of Acceptance to Transportation, attention of Andrew Gaber, for final processing.

## **STRATEGIC PLAN COMPONENT**

Infrastructure, Public Safety, and Economic Development

## **CONTACT**

Bard R. Lower, Director  
Transportation Division  
Community Development Agency